



OIC policies and procedures no. 1

June 2010

The OIC's approach to monitoring compliance with the GIPA Act

The OIC's role

Under s 17(g) of the GIPA Act, the Information Commissioner is to "monitor, audit and report on the exercise by agencies of their functions under, and compliance with" the Act.

The OIC's approach

In order to promote access to government information, the OIC has developed a compliance program with three levels:

Level 1 – self-assessment

Agencies can measure their compliance with the GIPA Act against the compliance checklist available on the OIC's website.

To support this self-assessment process, the OIC offers a program of agency consultations where, at the invitation of the agency, OIC staff will work collaboratively to help the agency address areas for improvement as identified during its assessment of its systems, policies and practices designed to comply with the GIPA Act.

Level 2 – compliance review

A compliance review may be triggered by a complaint or a series of complaints about an agency, or may be initiated by the OIC as part of its annual audit program.

Compliance reviews adhere to the principles of procedural fairness.

Any reports arising from a compliance review will be made available to the agency, the Minister responsible and, in some circumstances, to the Department of Premier and Cabinet.

If appropriate, a report may also be made available to a complainant whose complaint led to the review.

The Information Commissioner may request that the agency reported on notify the OIC of action taken or proposed as a result of the review.

Level 3 – formal investigation

This will involve the exercise of the Information Commissioner's formal powers, as set out in Division 4 of the *Government Information (Information Commissioner) Act 2009*.

A formal investigation may be initiated in response to a complaint or a series of complaints, whether from the public, from a public interest disclosure, from another accountability agency, or as otherwise determined by the Commissioner. The Commissioner may decide to make public a report of a formal investigation. If so, the report will be made to the presiding Officer of each House of Parliament and to the Minister responsible for the agency the subject of the report.

Reporting on compliance monitoring

Results of compliance reviews and formal investigations may be reported on by letter to the head of the agency audited; in the OIC's annual report; or, if the Commissioner considers it appropriate, in a special report to Parliament.

To learn more about the OIC and New South Wales' right to information system:

- go to www.oic.nsw.gov.au
- email oicinfo@oic.nsw.gov.au
- mail GPO Box 7011, Sydney NSW 2001
- visit Level 11, 1 Castlereagh Street, Sydney NSW 2000
- call 1800 INFOCOM (1800 463 626) between 9am and 5pm, Monday to Friday (excluding public holidays).

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